



CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



Biweekly Report - Period Ending December 9, 1995

DEC v. DOC—Agency Protest

Digital Equipment Corporation has filed an agency level protest against the solicitation for PTO's Desktop PC procurement. The basis of the protest is that PTO's specifications are too restrictive and that PTO has not identified a minimum need for the particular specification related to the PCI data bus configuration. Protestor, who did not submit an offer, requests that the solicitation be re-opened and that the specifications be amended. PTO officials are considering the technical merits of the allegations. Lisa J. Obayashi is advising.

NOAA Damage Assessment Center

We participated in Contract Review Board and Source Evaluation Board meetings concerning the solicitation for a contractor to continue providing litigation support and damage assessment services to NOAA. As a result of these meetings, the Center is reexamining the maximum number of professional labor-hours that it proposes to acquire. (Mark Langstein)

Unisys Corp. v. DOC, GSBGA 12823 & 13460-COM

On December 5, 1995, the GSBGA granted respondent's Motion for Continuation of the Trial Date. The entitlement

hearing is now scheduled to commence on May 28, 1995, ending June 10. The quantum phase of the hearing will occur between July 8 and 19, 1995. The Board issued an order confirming its decision on December 6. Terry Lee and Steve Carrara have the case. [Ed: Furloughs, both Commerce wide and within OGC, may require us to request an additional continuance.]

Fluor Daniel, Inc. Procurements

Fred Kopatich met in Kansas City with Fluor Daniel's counsel and management of its Kansas City Project Office to discuss the Contracting Officer's demand for repayment of excess costs of approximately \$4 million under the 1986 contract. The discussions were productive, and Fluor agreed to submit a settlement proposal in January, which is expected to form the basis for further discussions.

Census Outsourcing

Mark Langstein attended the first of a series of meetings with potential contractors to explore the possibility of the Bureau contracting out much of the decennial census work that it customarily performs in house. This initial meeting, with DEC, went well.

Garza v. DOC—GSBGA 13332-COM

In this construction delay case, Garza replied to our renewal of a motion for summary judgment in part and filed a second amended complaint (in an unsuccessful effort to clear things up). Garza now asserts that the change orders (that were submitted after they gave us a release) were merely intended to clarify their prior claim. The Government responded by noting that the change orders were for different items and that Garza's second amended complaint now seeks 112 days under headings seeking 99 days. Depositions have been scheduled for the week of December 11-15 in Fresno, California. Jeff Hughes has the case.

AWIPS

Roxie Jones provided the AWIPS Acquisition Office with comments on the restructured deployment and operations phase contract terms. The modification is scheduled to be complete this week and issued to the contractor December 8.

USTTA Contracts

Mark Langstein is advising USTTA on steps it should take respecting its outstanding contractual obligations should it be forced to cease operation.

Actions Completed/Received during Period

	From 11/26/95	To 12/9/95
	Received	Completed
ITA	1	1
NIST	2	2
NOAA	10	8
O/S	1	1
Total	14	12

Contract Law Division—Client Workload Period Ending 12/09/95

